

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MM STEEL, LP, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 4:12-CV-1227
	§	
RELIANCE STEEL & ALUMINUM CO., <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

ORDER REGARDING MOTIONS FOR SUMMARY JUDGMENT

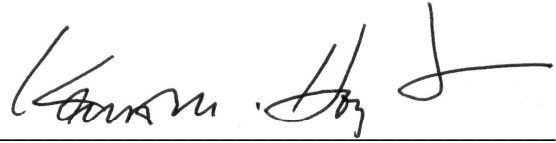
Before the Court are a series of motions for summary judgment by the defendants, American Alloy and Arthur J. Moore (Docket Nos. 189, 206), SSAB Enterprises (Docket No. 194), Nucor Corporation (Docket No. 198), JSW (Docket No. 201) and Reliance Steel and Chapel Steel (Docket Nos. 203, 207). Also before the Court is the plaintiff's, MM Steel, omnibus response (Docket No. 241) and the several replies of the defendants. Having carefully reviewed the parties' submissions, the record and the applicable law, the Court hereby DENIES the motions for summary judgment.

MM Steel alleges that the defendants engaged in a group boycott in violation of Section 1 of the Sherman Act. *See* 15 U.S.C. § 1. Section 1 addresses the circumstance where a group or combination of manufacturers and distributors engages in concerted action to deny another trader access to a particular market. The parties contest whether MM Steel can proceed under a *per se* theory of liability or must proceed under the Rule of Reason. MM Steel also alleges a variety of state law claims against each defendant. The parties dispute whether MM Steel can maintain those causes of action based on the facts in the record.

The Court is of the opinion that the plaintiff has pointed to genuine issues going to material facts as to all claims against each defendant. Because the contentions and fact issues are sufficiently complex and genuinely disputed, summary judgment is not appropriate. The defendants' motions for summary judgment are hereby DENIED.

It is so **ORDERED**.

SIGNED on this 21st day of November, 2013.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge